

1 don't want the record to reflect that we're -- our client is
2 inclined to do that absent Mr. May.

3 JUDGE CHACHKIN: Mr. Honig, how many declarations do
4 you have here?

5 MR. HONIG: We have 11 that were exchanged on August
6 10th. Yesterday we exchanged one additional one, regret that
7 we did not transmit you your copy and I have it for you here
8 and would like to give it to you.

9 JUDGE CHACHKIN: Is that Dr. Andrew Cherry or is it
10 an additional one?

11 MR. HONIG: No. This is Dr. Kathleen Shea.

12 JUDGE CHACHKIN: Oh, all right.

13 MR. HONIG: So we just have the 12 witnesses.

14 JUDGE CHACHKIN: All right. Well, I -- unless
15 someone has any strong objection, I don't see why at the time
16 that depositions are taken that the depositions of these
17 individuals cannot also be taken at that time.

18 MR. HONIG: Your Honor, not having been in one of
19 these cases before, I would appreciate some guidance. What do
20 you construe the scope of examination of these witnesses? I
21 think it's that they have testified to a very narrow question
22 essentially as experts. Only one of them states that he is a
23 regular viewer of the station. The others are not regular
24 viewers of the station, although they do -- some of them have
25 indicated they watch it on occasion, and they're simply

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LEWIS I. COHEN
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September 9, 1993

VIA FACSIMILE

Colby M. May, Esq.
May & Dunne, Chartered
1000 Thomas Jefferson Street, N.W.
Suite 520
Washington, D.C. 20007

Re: MM Docket No. 93-75

Dear Colby:

This letter will memorialize our agreement concerning discovery of Trinity Broadcasting of Florida, Inc. (TBF) with respect to its claim for a renewal expectancy under the standard comparative issue.

Subject to the conditions noted below, Glendale Broadcasting Company (Glendale) will not notice for depositions any personnel employed at WHFT(TV). Instead, TBF and Glendale will participate in an informal procedure in which counsel for Glendale will ask questions of Michael Everett and Teresa Downing. Based upon the answers provided, TBF and Glendale will draft stipulations which may be entered into evidence as joint exhibits at hearing.

Counsel for TBF will advise Mr. Everett and Ms. Downing to answer all questions truthfully. Counsel for Glendale and TBF will work cooperatively in this process. If additional documents are needed to prepare stipulations, TBF will attempt to retrieve such documents after the September 16 and 17 sessions. As you and I have discussed, this procedure is dependent upon the cooperation and goodwill of both parties.

The subject matter of the questioning shall be the programming of WHFT(TV) and other matters related to TBF's claim to a renewal expectancy. If it appears that

Colby May, Esq.
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certain questions will not be capable of being answered without giving a witness an opportunity to review documents in advance, Glendale will allow such documents to be reviewed.

The informal session will take place at the Sheraton Design Center, Ft. Lauderdale Airport, Ft. Lauderdale, Florida on September 16 and 17, 1993 beginning at 9:00 a.m. Should any additional questions need to be asked by Glendale while the stipulations are being finalized, those questions shall be asked by conference call.

Glendale anticipates that if appropriate stipulations are reached, Mr. Everett and Ms. Downing will not be called as witnesses at hearing.

If TBF's direct case under the renewal expectancy issue deals with matters that were not dealt with in this procedure, Glendale reserves the right to call Mr. Everett or Ms. Downing as a witness at hearing on such matters. If such new matters are contained in TBF's direct case, Glendale would be willing to enter into additional stipulations with TBF using this same procedure.

To the extent the Spanish American League Against Discrimination participates in discovery with respect to renewal expectancy (other than with respect to non-public witnesses), they will follow the procedures outlined herein.

Please indicate your acceptance of this agreement by signing in the space indicated below.

Regards,

John J. Schauble

John J. Schauble
For Glendale Broadcasting
Company and Spanish
American League Against
Discrimination

Accepted:

Colby M. May

Colby M. May
For Trinity Broadcasting of Florida, Inc.

CERTIFICATE OF SERVICE

I, Nathaniel F. Emmons of the law firm of Mullin, Rhyne, Emmons and Topel, P.C., hereby certify that on this 18th day of November, 1993, copies of the foregoing "Objections to Witness Notification" were sent hand-delivered to the following:

The Honorable Joseph Chachkin
Administrative Law Judge
Federal Communications Commission
2000 L Street, N.W.--Room 226
Washington, D.C. 20554

James Shook, Esq.
Gary Schonman, Esq.
Mass Media Bureau
Federal Communications Commission
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Nathaniel F. Emmons